

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 18, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.19-1-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 8/13/2019

Date Review Received: 10/9/2019

Item: *MORIARTY GRADING PLAN (O-1735D)*

Grading plan for an existing property to fill small depressions caused by erosion. The parcel is located on 1.08 acres in the R-15 zoning district. Top soil and grass seed will also be installed, followed by a top layer of hay.

Terminus of Pine Street, approximately 221 feet west of South Greenbush Road and 160 feet south of Spruce Street

Reason for Referral:

South Greenbush Road (CR 11), Spruce Street & Clausland Mountain Road (CR 28), Sparkill Creek, Clausland Mountain Park, federal wetlands

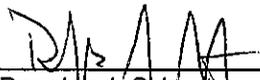
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and any required permits obtained.
- 3 It appears that there will be regrading up to the limit of the federal wetlands. The regrading must be kept out of the wetlands. If any regrading is to occur within the federal wetlands, then a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 The regrading and fill is proposed on the adjacent lot, 70.19-1-12. This fill must be removed, or written permission must be obtained from the owner of said lot, to allow the placement of fill. If fill will be placed on the adjacent parcel, then an additional site plan review and permits may be required for this adjacent parcel.

MORIARTY GRADING PLAN (O-1735D)

- 5 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 The area to be regraded shall be clearly delineated in the field to ensure compliance with the placement of the fill and to avoid encroachments into the wetlands.
- 8 If any trees are to be removed, they must be shown as such on the site plan. A symbol for these trees must be illustrated in the legend.
- 9 The site plan must contain a vicinity map that has a north arrow and scale.
- 10 The site plan shall include map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
United States Army Corps of Engineers
Jay A. Greenwell, PLS, LLC

Kevin Moriarty

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.